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असाधारण

EXTRAORDINARY

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PART II — Section 2

प्राधिकार से प्रकाशित

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इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह अलग संकलन के रूप में रखा जा सके।
Separate paging is given to this Part in order that it may be filed as a separate compilation.

RAJYA SABHA

The following Bills were introduced in the Rajya Sabha on 25th April, 2003:—

I

BILL NO. LVI OF 2002

A Bill to provide employment or for means and resources for self-employment to atleast one adult member of every family and matters connected therewith

BE it enacted by Parliament in the Fifty-third Year of the Republic of India as follows:—

- | | |
|--|---|
| 1. (1) This Act may be called the Employment Act, 2002. | Short title and extent. |
| (2) It extends to the whole of India. | |
| 2. In this Act unless the context otherwise requires, "family" includes wife, husband and minor children. | Definitions. |
| 3. It shall be the duty of the Central Government to provide employment to atleast one adult member of every family. | Provision to provide employment. |
| 4. Every person who has been provided with a job under section 3 shall not involve himself in any activity other than his employment for financial or other gains. | No person to be involved in any activity other than employment. |
| 5. The Central Government shall evolve a process ensuring periodical promotions to all its employees on the basis of tests and their performance. | Promotion on basis of performance. |
| 6. The Central Government shall provide employment to the dependent of an employee, who had been provided with a job under section 3, after his retirement from service. | Job to dependents. |

Resources for
self-employ-
ment

7. The Central Government shall provide credit, subsidy and all other facilities or resources for self-employment to a family, where it is not possible to provide employment to atleast one member of that family.

Power to
make rules.

8. The Central Government may make rules for carrying out the purposes of this Act.

STATEMENT OF OBJECTS AND REASONS

In India, poverty is one of the biggest problems. Even after fifty-five years of independence, we have not been able to contain the poverty. Although our country has progressed in many fields, yet it has failed to improve the standard of living of the people. There may be many reasons for poverty.

It has been observed that income of a small family as compared to its income in the year 1965 has not improved. There are a large number of families where there is not even a single earning member and most of them earn their livelihood by working as labourers, domestic servants, bonded labours etc. Majority of population lives below poverty line. Our country being a welfare State should take necessary steps to improve the lot of the people and formulate schemes and plans to eradicate poverty from the country.

With this in view, it is proposed to make a positive step towards eradicating poverty. It is proposed that at least one adult member of every family should be provided with employment and where it is not possible to provide employment, the family should be given all necessary facilities for decent and reasonable livelihood.

The Bill seeks to achieve the above objective.

T. SUBBARAMI REDDY

FINANCIAL MEMORANDUM

Clause 3 of the Bill provides that the Central Government shall provide employment to one adult member of every family. Clause 7 provides that the Central Government shall provide credit, subsidy and all other facilities or resources for self-employment to a family where it is not possible to provide employment. The Bill, if enacted, would involve expenditure from the Consolidated Fund of India in implementing the provisions of the Bill. It is likely to involve an annual recurring expenditure of about rupees one thousand crore from the Consolidated Fund of India.

A non-recurring expenditure to the tune of one hundred crore is likely to be involved.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 8 of the Bill empowers the Central Government to make rules for carrying out the purposes of this Bill. Since the rules will relate to matters of detail only, the delegation of Legislative power is of a normal character.

II

BILL NO. LXXVI OF 2002

A Bill further to amend the Constitution of India.

Be it enacted by Parliament in the Fifty-third Year of the Republic of India as follows:—

Short title.

1. This Act may be called the Constitution (Amendment) Act, 2002.

Amendment
of article 124.

2. In Article 124 of the Constitution:—

(i) for clause (4) the following clause shall be substituted namely:—

"(4) A Judge of the Supreme Court shall be removed from his office by an order of the President passed after the Committee consisting of Chairman, Rajya Sabha, Chief Justice of India, Speaker, Lok Sabha, Leaders of the opposition in Rajya Sabha and Lok Sabha recommends his removal unanimously on the grounds of corruption, misbehaviour or incapacity, probed under the Judges (inquiry) Act, 1968."

51 of 1968.

(ii) for Clause (5) the following clause shall be substituted, namely:—

"(5) Parliament may discuss the removal of a Judge and pass a resolution endorsing the decision by a simple majority."

STATEMENT OF OBJECTS AND REASONS

The present law and procedures for removal of judge of the High Court and other Courts under article 124 (a) of the Constitution is that a Supreme Court Judge shall not be removed from his office except by an order of the President passed after address by each House of Parliament supported by a majority of the total membership of that House and by a majority of not less than two third of the members of the House present and voting, has been presented to the President in the same session for such removal on the ground of crude, misbehaviour or incapacity. This procedure is cumbersome and not practicable at present stage.

In one of the earlier case, the Committee comprised of Justice P.B. Sawant of the Supreme Court as presiding officer, P.D. Desai, Chief Justice, Bombay High Court and Justice O. Chinnappa Reddy, former judge of the Supreme Court, as members unanimously found the charges levelled against Justice V. Ramaswami proved but the motion for his removal in the Lok Sabha failed because of political consideration. The enquiry committee indicated the sitting Supreme Court Judge but Parliament absolved him. Thus, the removal of a Supreme Court Judge by Parliamentary process was unsuccessful in the only case brought before Parliament so far.

There has been a large number of cases where judges have been found indulging in corrupt practices. But due to this present cumbersome rules, they could not be removed. Thus, the corruption in judiciary has increased and this has been admitted by the Chief Justice of India and other well-known experts of law makers. Hence to make judges answerable and removal easy, the present procedure should be changed to the new one as proposed which will give a fair deal and easy procedure to removal and the judges will always be in a threat for their removal, if they are found corrupt.

Hence this Bill.

T. SUBBARAMI REDDY

III

BILL NO. LXXXI OF 2002

A Bill to provide for compulsory registration of all marriages irrespective of caste, religion and creed in the country and matters connected therewith.

BE it enacted by Parliament in the Fifty-third Year of the Republic of India as follows:—

Short title
extent and
com-
mencement.

1. (1) This Act may be called the Compulsory Registration of Marriages Act, 2002.

(2) It extends to the whole of India.

(3) It shall come into force at once.

Definition.

2. In this Act, unless the context otherwise requires, "appropriate Government" means in case of State Government of that State, and in other cases, the Central Government.

Registration
of marriage.

3. Every marriage performed in the country shall be compulsorily registered within one month of the date of marriage.

Authority for
registration of
marriages.

4. The marriage shall be registered—

(i) in the office of village Panchayat in the rural areas;

(ii) with the Sub-Registrar or Tehsildar, or such Municipal Authority, who may be authorized by the State Government in this behalf, in the urban areas:

Provided that where there is no Panchayat, the marriage shall be registered with the nearest Sub-Registrar or Tehsildar who may be authorized in this behalf.

5. (1) The particulars of the marriage to be entered in the marriage register to be maintained by the Panchayat, Sub-Registrar or Tehsildar or Municipal Authority, as the case may be, and the form and manner in which such particulars shall be entered, shall be such as may be prescribed. Particulars of marriage.

(2) The Government shall also prescribe the documents relating to marriage to be furnished at the time of registration for record.

6. The registering authority shall issue a certificate for this purpose recording the age of the couple and this certificate shall be valid for all practical purposes. Issuance of certificate.

7. The marriage performed without the registration shall not be considered as a valid marriage and shall be null and void. Legal Status

8. The provisions of this Act shall be in addition to and not in derogation of any other law for the time being in force regulating any of the matters dealt with in this Act. Savings.

9. The Central Government may, by notification in the Official Gazette, make rules for carrying out the purposes of this Act. Power to make rules.

STATEMENT OF OBJECTS AND REASONS

There are number of people who are married and are not registered in any Government agency. There have been reports that large sections of men desert women after performing the marriage. Thus, lot of women are being unnecessarily harassed. There are people who take money from the foreigners, sell their daughters, get them married, who are later on deserted. Number of such cases have come to the notice of the Central and State Governments. Large number of foreigners come and marry only to desert their wives later.

There are number of States where child marriages are still taking place and there is no check on these child marriages by the Central Government or State Governments. These marriages are mostly unsuccessful. Many women organisations in the country have opposed such practice and have demanded that the Government should check child marriages.

As there is no such compulsion for registration of marriage, it is necessary that State Governments and the Central Government should make a provision to register all the marriages that have taken place in their States/UTs. So, all marriages, in whatever form they are performed should be registered in all the States/UTs in the country. To save women from harassment, it is necessary to have such a law for registration of marriages.

Hence this Bill.

T. SUBBARAMI REDDY

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 9 of the Bill empowers the Central Government to make rules for carrying out the purposes of the Bill. As the matters will relate to detail only, the delegation of legislative power is of a normal character.

IV

BILL NO. V OF 2003

A Bill further to amend the Constitution of India.

BE in enacted by Parliament in the Fifty-fourth Year of the Republic of India as follows:—

1. (1) This Act may be called the Constitution (Amendment) Act, 2003.

(2) It shall come into force at once.

2. In article 171 of the Constitution,—

(i) for clause (3), the following clause shall be substituted, namely:—

"(3) of the total number of members of the Legislative Council of a State—

(a) as nearly as may be, one-third shall be elected by electorates consisting of members of municipalities, district boards and such other local authorities in the State as Parliament may by law specify;

Short title
and
commencement.

Amendment
of article
171.

(b) as nearly as may be, one-twelfth shall be elected by electorates consisting of persons who have been for at least three years engaged in teaching in any educational institution within the State duly recognized by the State or the Central Government, as the case may be;

(c) as nearly as may be, one-third shall be elected by the members of the Legislative Assembly of the State;

(d) the remainder shall be nominated by the Governor in accordance with the provisions of clause (5)".

(ii) For clause (5), the following clause shall be substituted, namely:—

"(5) The members to be nominated by the Governor under sub-clause (e) of clause (3) shall consist of persons having special knowledge or practical experience in respect of such matters as the following, namely:—

Literature, science, art, co-operative movement, social service, agriculture and medicine."

STATEMENT OF OBJECTS AND REASONS

At present, there is a provision in the Constitution for electing one twelfth of the members of the Legislative Council from amongst graduates residing in the State. There is no need to have any special provision for the graduates and there are no special problems as such being faced by the graduates which warrant their representation in the Legislative Council. Now most of the teachers are graduates and making provision for all teachers who have served three years in any educational institution of the State duly recognized by the State or the Central Government as the case may be, will serve the purpose of representation of both graduates and teachers. Moreover, at the time of elections, graduates will have to register themselves and only a very microscopic percentage of graduates opt for this procedure and therefore all the graduates are not truly represented. It is therefore intended to delete the provision for election to the Legislative Council from amongst graduates and to make provision for all teachers to elect their representatives from the teacher's constituency.

Further at present persons having special knowledge or practical experience in respect of various fields like literature, science, art, co-operative movement and social service are eligible for being nominated to the Legislative Council by the Governor. In order to ensure that eminent persons rendering extra-ordinary service in the field of agriculture and medicine shall also get an opportunity to contribute their expertise for the benefit of the State through Legislative Council, it is intended to include Agriculture and Medicine under this category.

Hence this Bill.

K.B. KRISHNAMURTHY

V

BILL NO. VII OF 2003

A Bill further to amend the Hindu Marriage Act, 1955.

BE it enacted by Parliament in the Fifty-fourth Year of the Republic of India as follows:—

Short title and
com-
mencement.

1. (1) This Act may be called the Hindu Marriage (Amendment) Act, 2003.
- (2) It shall come into force with immediate effect.

Amendment
of Act 25 of
1955.

2. In section 19 of the Hindu Marriage Act, 1955, for clause (iii) the following clause shall be substituted namely:—

“(iii) the parties to the marriage last resided either jointly or separately:

Provided that the wife shall have the right to present a petition under this Act at the place where she resided at the time of the presentation of the petition; or”.

STATEMENT OF OBJECTS AND REASONS

The Hindu Marriage Act, 1955 was enacted to codify Hindu Law and it deals with the relationship legally created amongst Hindus. Section 19 of the said Act deals with the jurisdiction of the court which can entertain the cases under the Act and decide them. There are conflicting views of various courts in this regard as section 19 (iii) of the Act does not clarify as to whether the last residence should be together or separate. In case the husband and wife have separated and are residing at two different places or different towns far away from each other and if they intend to present a petition under the Act for any relief they are forced to go to the place where they resided together for filing the petition. This causes hardship to both the parties particularly to the wife who generally has no independent source of income or guardians. In Cr. P.C. a wife can file a petition where she resides at the time of the presentation of petition to claim maintenance under Section 125. It is, therefore, necessary to amend section 19 of the Hindu Marriage Act so as to give justice to the helpless wife.

Hence this Bill.

BIMBA RAIKAR

VI

BILL NO. XI OF 2003

A Bill to provide for the prevention and prohibition of stripping and parading the women or girls naked in public view, teasing, molestation, outraging modesty and branding and killing them as witches and offering as Devadasis and for deterrent punishment for such offences and making these offences as cognizable and non-bailable and for matters connected therewith.

BE it enacted by Parliament in the Fifty-fourth Year of the Republic of India as follows:—

Short title,
extent and
com-
mencement.

1: (1) This Act may be called the Women and Girls (Prevention of Stripping, Teasing, Molestation, Branding as Witches and Offering as Devadasis) Act, 2003.

(2) It extends to the whole of India.

(3) It shall come into force with immediate effect.

2. In this Act, unless the context otherwise requires,—

Definitions.

(a) "girl" means a female human being who has not attained the age of eighteen years;

(b) "molesting" means patting, touching, meddling forcibly or injuriously with the body of girl or woman, as the case may be, in violation of her sentiments, or her rights.

(c) "publicly" means any action covered under this Act taken or done in front of people in general and full view thereof;

(d) "stripping" includes forcibly removing or tearing of any cloth or part thereof worn by a girl or women with intention of exposing the body of such a woman or girl, as the case may be;

(e) "teasing" includes uttering any words, song, making any sound like whistle or gesture or exhibiting any object or part of the body, throwing any object without causing injury or doing any act to attract the attention of the girl or woman, as the case may be, thereby intentionally annoying such a girl or woman;

(f) "woman" means a female human being who has attained the age of eighteen years and above;

(g) words and expressions used but not defined in this Act and defined in the Indian Penal Code 1860 and Code of Criminal Procedure, 1973 shall have the meanings respectively assigned to them in those Acts.

45 of 1860.
2 of 1974.

3. Notwithstanding anything contained in the Indian Penal Code no person shall, with malicious intention of taking revenge or to fulfil his lust or to outrage the modesty of any girl or woman, as the case may be, strip publicly or parade naked any girl or woman at any point of time and whoever contravenes the provisions of this section commits an offence under this Act.

Prohibition of publicly stripping & parading naked any woman or girl.

4. No person shall tease any girl or woman at any place and at any point of time and whoever contravenes the provisions of this section shall be guilty of an offence under this Act.

Prohibition of teasing of woman or girl.

5. No person shall for any reason whatsoever declare any woman or girl as a witch or offer any girl as devadasi in a temple etc., and whoever contravenes the provisions of this section shall be guilty of an offence under this Act.

Prohibition of declaring woman or girl as witch and offering as devadasi.

6. (1) Whoever contravenes the provisions of section 3 shall be punished with death.

Penalty.

(2) Whoever contravenes the provisions of section 4 shall be liable for imprisonment for a term which may extend to three months and with fine which may extend to five thousand rupees.

(3) Whoever contravenes the provisions of section 5 shall be liable for imprisonment for a term which shall not be less than three years but which may extend to seven years and also with fine which may extend to twenty five thousand rupees.

7. Notwithstanding anything contained in any other law for the time being in force an offence under sections 3 and 5 shall be tried in camera by the Trial Court and the offences under section 4 shall be tried summarily preferably by women judges.

In camera trial.

2 of 1974.

8. Notwithstanding anything contained in the Code of Criminal Procedure Code 1973, an offence under this Act shall be cognizable and non-bailable.

Offence to be cognizable and non-bailable.

9. The provisions of this Act shall be in addition to and not in derogation of any other law for the time being in force.

Savings.

STATEMENT OF OBJECTS AND REASONS

It is very unfortunate that young girls and women are vulnerable in our society and teasing and molesting them is the order of the day be it a public place or public transport. The eve teasers have become fearless. They not only pass vulgar remarks and whistle on them but sometimes they meddle hastily with them causing injuries and unfortunately the general public instead of coming to the rescue of hapless woman or girl being teased or molested become mute spectators and many of them in fact enjoy the agony being faced by the victim of teasers and hoodlums.

A more alarming trend is emerging in various parts of the country in which young girls and women particularly belonging to dalit and backward communities are stripped publicly and then paraded naked in the streets. During the parade the hapless victims are ruthlessly beaten. Such horrible and inhuman action is carried on to take revenge or sometimes for merry making. Such events have taken place in U.P., Andhra Pradesh, Rajasthan, Madhya Pradesh, etc. In some cases women were paraded naked due to land disputes or the victims had resisted some harassment or had tried to report to the police and in one incident women were forced to dance naked during Holi festival.

Similarly in some parts of the country, women are being branded as witches and being killed ruthlessly thereafter. Since the process starts with spreading of rumour regarding a woman that she is a witch and ultimately ends in her brutal killings. It is necessary that branding a woman or girl as a witch has to be dealt with severely under the law as a deterrent. It is all the more necessary because the killers of such woman may eventually be tried for murder but the person declaring or branding the woman a witch goes scot free. Similarly, girls are offered as devadasis to temples in some parts of the country which ultimately leads them to flesh trade.

Hence it is proposed that for stripping and parading naked a girl or woman publicly, capital punishment be provided because it is one of the worst kind of offences against women. Similarly drastic measures should be taken against eve teasers. The offences should be made cognizable and non-bailable. It is felt that these stringent measures may curb the offences against women and girls more effectively.

Hence this Bill.

BIMBA RAIKAR

VII

BILL NO. X OF 2003

A Bill to provide for the prohibition of using plastic bags or polyethylene bags for packaging cereals, sugar and other edible items and for matters connected therewith and incidental thereto.

BE it enacted by Parliament in the Fifty-fourth Year of the Republic of India as follows:—

1. (1) This Act may be called the Prohibition on the use of Plastic Bags for Packaging Edible Items Act, 2003.

Short title
extent and
commencement.

(2) It extends to the whole of India.

(3) It shall come into force at once.

2. In this Act, unless the context otherwise requires:—

Definitions.

(a) "appropriate Government" means in the case of a state, the Government of that State and in other cases, the Central Government;

(b) "edible items" include all kinds of cereals, sugar and other edible items;

(c) "packaging agencies" means agencies carrying out packaging business whether in public sector or in private sector as the case may be;

(d) "plastic bag" means any bag meant for packaging edible items in which plastic is the ingredient in its manufacture and includes polythene or such bag by whatever name called;

(e) "prescribed" means prescribed by rules made under this Act.

Prohibition of
use of plastic
bags for
packaging.

3. (1) Notwithstanding anything contained in any other law for the time being in force the use of plastic bag for the purpose of packaging edible items by any person or packaging agency is hereby prohibited.

(2) Whosoever contravenes the provisions of sub-section (1) shall be guilty of an offence under this Act.

Appropriate
Government
to implement
the Act.

4. It shall be the duty of the appropriate government to implement the provisions of this Act and ensure strict compliance thereof in such manner as may be prescribed.

Power to
search and
seizure.

5. For the purposes of Section 4, the appropriate government shall authorize the Police or such other officers to enter and search any building, place, shop, godown, vehicle where the police or officer, as the case may be, has reason to suspect that plastic bags have been used or in the process of being used for packaging edible items and seize such plastic bags in such manner as may be prescribed.

Penalty.

6. (1) Whosoever contravenes the provisions of section 3 shall be punished with imprisonment for a term which shall not be less than five years but may be extended to 10 years and also with fine which shall not be less than five lakh rupees but may be extended to ten lakh rupees.

(2) Where a person committing an offence under this Act is a company or other body corporate or an association of persons whether incorporated or not, every director, manager, secretary, agent or other officer or person concerned with the management thereof shall, unless he proves that the offence was committed without his knowledge and consent, be deemed to be guilty of such offence and shall be punished in accordance with the provisions of Sub-Section (1).

Offence to be
cognizable and
non-bailable.

7. Notwithstanding anything contained in the Code of Criminal Procedure, 1973 the offences under this Act shall be cognizable and non-bailable.

Over riding
effect.

8. The provisions of this Act and of any rules made there under shall have effect notwithstanding anything inconsistent therewith contained in any other law for the time being in force.

Power to
make rules.

9. The Central Government may, by notification in the Official Gazette, make rules for carrying out the purpose of this Act.

STATEMENT OF OBJECTS AND REASONS

There has been no official research or study on the use of plastic bags for packaging of food items like Cereals, Sugar and other edible items. As plastic contains chemicals that are hazardous to human health, there is far greater risk while using plastic bags for packaging of food items as this may cause some kind of poisonous effect on the food items. Since food items in our country are packed and stored for long periods of time ranging from 6 months to 6 years depending on consumer needs, such plastic bags should not be used unless the government conducts proper testing and research on plastic bags by competent authorities at both international and national level and the result of such testing is positive to give clearance for the use of such bags for packaging of food items. So, ban must be immediately put into practice to protect the health of millions of fellow countrymen.

Hence this Bill.

SANTOSH BAGRODIA

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 9 of the Bill confers power on the Central Government to make rules for carrying out the purpose of the Bill. The matters in respect of which provision may be made in the rules are generally matters of procedure and detail. The delegation of legislative power, is therefore, of a normal character.

VIII

BILL NO. XXIV OF 2003

A Bill to provide for basic rights, facilities and welfare measures to be taken by the State for the children and for matters connected therewith and incidental thereto.

BE it enacted by Parliament in the Fifty-fourth Year of the Republic of India as follows:—

Short title,
extent and
commence-
ment.

1. (1) This Act may be called the Children (Rights, Facilities and Welfare) Act, 2003.
- (2) It extends to the whole of India.
- (3) It shall come into force with immediate effect.

Definitions.

2. In this Act, unless the context otherwise requires:—

- (a) “appropriate Government” means in the case of a State, the Government of that State and in other cases, the Central Government;
- (b) “child” means a person who is under the age of sixteen years;
- (c) “prescribed” means prescribed by rules made under this Act.

Steps to be
taken by
appropriate
government.

3. Notwithstanding anything contained in any other law for the time being in force, it shall be the duty of the appropriate Government to,—

- (i) provide free basic education to all children in Government or private, aided or unaided schools, in Hindi, English or their mother tongue as the case may be;

(ii) bring awareness to all parents for their children's education and encourage parents to send their children to school regularly;

(iii) ensure maintenance of good educational facilities with good educational and teaching equipment in all schools;

(iv) ensure a healthy environment in all schools with clean toilets and clean drinking water as basic amenities;

(v) ensure capable staff in all schools run by the Government;

(vi) ensure clean and healthy food for mid-day meals wherever the scheme is applicable;

(vii) ensure secondary and higher level education at free or subsidized rates for poor children with scholarship opportunities for all children in all schools;

(viii) ensure industrial and technical training to all children who have not received basic education or have become dropouts from schools;

(ix) ensure to provide ample employment opportunities and self employment opportunities for all children who have received basic, secondary and/or technical training;

(x) ensure that children are not exploited, abused, maltreated, forced into labour or sexual misconduct, or any other exploitation by either their parents or teachers at schools or any adult or Government employee like police, etc.;

(xi) ensure the safety of all children on the streets including rag-pickers, shoeshine boys, any other that are living off the streets from hoodlums and other anti-social elements;

(xii) ensure that every District Police Station has a cell similar to Women's Cell, that would deal with any complaint made for or on behalf of children or by any child directly, with information of the same to all police stations of that district;

(xiii) while lodging complaints ensure the presence of the child's (victim) parents, his or her lawyer or any lawyer appointed by the appropriate Government;

(xiv) ensure that children are not denied justice through any oppression, prejudice or any other misdemeanor;

(xv) lay down norms and laws for recognition and registration of voluntary and non-governmental organizations engaged in the welfare of children.

4. The appropriate Government shall establish a Committee to be known as the "State or Union Territory Child Welfare Committee" (hereinafter referred to as the State Committee or Union Territory Committee) which shall consist of a Chairman and two other members having special knowledge or practical experience in the field of education, medicine, sports, culture and social services.

Establishment
of Child
Welfare
Committee.

5. It shall be the duty of every State and Union Territory Committee to:—

Duties of State
and Union
Territory
Committee.

(1) Make recommendations regarding the ways to improve the health and proper maintenance of the children;

(2) suggest the type of education which should be imparted to each child, including vocational training;

(3) provide free hostel facilities and scholarship to deserving children;

(4) ensure clean and healthy food for mid-day meals wherever the scheme is applicable;

(5) ensure safety of all children on the streets;

(6) lay down norms and laws for recognition and registration of voluntary and non-governmental organizations engaged in the welfare of children.

Duty of Central
Government

6. It shall be the duty of the Central Government to carry out the policy of the State and Union Territory Committee into effect by providing necessary funds and materials.

Power to make
rules.

7. The Central Government may, by notification in the official gazette make rules for carrying out the purposes of this Act.

STATEMENT OF OBJECTS AND REASONS

Children are the future of society and the country. If they are neglected, we can be sure of complete disaster in future. It is our responsibility to provide them with proper education and healthy environment for their physical and social activities, then only they will develop their mental faculties in the right direction. If children are strengthened, society and the country can be strengthened.

Hence this Bill.

SANTOSH BAGRODIA

FINANCIAL MEMORANDUM

Clause 3 of the Bill provides for certain rights and facilities for children like free basic education, clean and healthy food, healthy environment in school, ample employment opportunities, etc. Clause 4 provides for establishment of State and Union Territory Child Welfare Committee.

The Bill, therefore, if enacted will involve expenditure from the Consolidated Fund of India. Clause 6 creates a duty on the Central Government to carry out the policy of the State and Union Territory Committees into effect through release of funds and materials.

It is estimated that an annual recurring expenditure of about rupees five hundred crore is likely to be involved from the Consolidated Fund of India.

A non-recurring expenditure of about rupees hundred crore is also likely to be involved.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 7 of the Bill empowers the Central Government to make rules for carrying out the purpose of the Bill. The rules will relate to matters of detail only and as such the delegation of legislative power is of a normal character.

IX

BILL NO. XXIX OF 2003

A Bill to provide for proper care of senior citizens who are destitute by their kith and kins and the Government and for protection of lonely or old couples by way of appropriate security measures by local police, and for other welfare measures and for matters connected therewith or incidental thereto.

BE it enacted by Parliament in the Fifty-fourth Year of the Republic of India as follows:—

Short title
extent and
commence-
ment.

1. (1) This Act may be called the Destitute and Needy Senior Citizens (Care, Protection and Welfare) Act, 2003.

(2) It extends to the whole of India.

(3) It shall come into force with immediate effect.

Definitions.

2. In this Act, unless the context otherwise requires,—

(a) "appropriate Government" means in the case of a State, the Government of that State and in other cases, the Central Government;

(b) "destitute senior citizen" means an old person who has become infirm due to old age or chronic ailment and who has no independent and adequate means of livelihood for his subsistence;

(c) "prescribed" means prescribed by rules made under this Act;

(d) "Senior citizen" means any person who has completed sixty years of age.

3. (1) Notwithstanding anything contained in any other law for the time being in force, it shall be the duty of the kith and kins of senior citizen to take care and support such citizen in his old age.

Duty of kith and kins of senior citizen.

(2) The kith and kins of a senior citizen who fail to comply with the provisions contained in sub-section (1) shall forfeit their right to succeed the senior citizen in any manner after the death of such a senior citizen.

Explanation—For the purposes of sub-sections (1) and (2) the kith and kins include sons, daughters and other heirs and successors of the senior citizens.

4. (1) Every destitute senior citizen shall, on an application made in the prescribed form to the appropriate Government be paid rupees one thousand per mensem as subsistence allowance by such Government in whose jurisdiction such senior citizen permanently resides.

Subsistence allowance to destitute senior citizens.

(2) The subsistence allowance referred to in sub-section (1) shall be subject to alteration on the basis of the prevailing price index as may be determined by the Central Government.

(3) The procedure to be followed in granting and payment of subsistence allowance under this Act shall be such as may be prescribed.

(4) The procedure to be followed in granting and payment of subsistence allowance under this Act shall be such as may be prescribed.

5. (1) The appropriate Government shall establish such number of Senior Citizen Homes at conspicuous places, as it may deem necessary for boarding and lodging of needy senior citizens in such Homes.

Establishment of Senior Citizen Homes.

(2) The appropriate Government shall provide all necessary facilities of daily life in each Senior Citizen Home for the benefit of senior citizens residing therein.

(3) The appropriate Government shall also provide free medical aid and means of entertainment to the inhabitants of the Homes established under sub-section (1).

(4) The senior citizens lodged in Senior Citizen Homes shall not be entitled to subsistence allowance referred to in section 4 of this Act.

6. (1) Notwithstanding anything contained in any other law for the time being in force, the local police of every district headquarter shall keep a record of senior citizens residing within its jurisdiction in such manner as may be prescribed.

Protection of senior citizens by local police.

(2) It shall be the duty of the area Station House Officer of the local police to,—

(a) verify the character and antecedents of the domestic servant or any domestic help engaged by any senior citizen or lonely old couple residing within his jurisdiction in such manner as may be prescribed; and

(b) provide adequate security to every lonely senior citizen or lonely old couple residing within his jurisdiction.

7. The Appropriate Government shall also undertake the following welfare measures for the senior citizens, namely:—

Other Welfare measures to be taken for Senior Citizens.—

(a) to provide financial assistance at nil or least minimal interest to attain financial freedom;

(b) to provide free medical and health care facilities;

(c) concessional travel by road, rail and air; and

(d) such other measures as may be prescribed.

Central
Government
to provide
funds for the
purposes of
the Act.

8. The Central Government shall, after due appropriation made by Parliament in this behalf, provide adequate funds to the State Governments for carrying out the purposes of this Act.

Overriding
effect of the
Act.

9. The provisions for this Act and rules made thereunder shall have effect, notwithstanding anything inconsistent therewith, contained in any other law for the time being in force, but save as aforesaid the provisions of this Act shall be in addition to and not in derogation of any other law for the time being applicable to senior citizens.

Power to
remove
difficulties.

10. If any difficulty arises in giving effect to the provisions of this Act, the Central Government may, by order published in the Official Gazette, make such provisions not inconsistent with the provisions of this Act, as appear to it to be necessary or expedient for removing the difficulty.

Power to
make rules.

11. The Central Government may, by notification in the Official Gazette, make rules for carrying out the purposes of this Act.

STATEMENT OF OBJECTS AND REASONS

With inflation and western influence in our country senior citizens are being neglected. This is against our Indian culture and philosophy. We, as responsible citizens cannot keep quiet. With the increase in life expectancy, the number of senior citizens is increasing regularly. However, in many cities in the country thousands of old citizens living alone have been target of criminals and many have lost their lives due to peoples' greed. It is our duty to provide them with security both personal and financial for their welfare.

These are the people who have contributed everything for the family, the society and the country. It is inhuman and immoral to neglect our senior citizens. They must be provided complete financial security including 'Roti, Kapra and Makaan'. Not only this they should be provided with mental and psychological support.

Hence this Bill.

SANTOSH BAGRODIA

FINANCIAL MEMORANDUM

Clause 4 (1) provides that appropriate Government shall give subsistence allowance to every destitute senior citizen. In sub-clauses (1), (2) and (3) of clause 5 provides for the establishment of senior citizen homes and other facilities for the benefit of the destitute senior citizens residing in it. Clause 7 also provides for the other welfare measures to be taken for senior citizen by the appropriate Government. Provisions of clause 8 is related with the appropriation made by Parliament in this behalf to provide adequate funds for the purpose of the Act.

The Bill, therefore, if enacted will involve expenditure from the Consolidated Fund of India. It is estimated that an annual recurring expenditure of about one thousand five hundred crore is likely to be involved from the consolidated Fund of India. A non-recurring expenditure of about one thousand crore is also likely to be involved.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 11 of the Bill empowers the Central Government to make rules for carrying out the purpose of the Bill. As the matters will relate to detail only, the delegation of legislative power is of a normal character.

X

BILL NO. XXVI OF 2003

A Bill further to amend the Prevention of Food Adulteration Act, 1954.

BE it enacted by Parliament in the Fifty-fourth Year of the Republic of India as follows:—

Short title and
commence-
ment.

2003. 1. (1) This Act may be called the Prevention of Food Adulteration (Amendment) Act,

(2) It shall come into force with immediate effect.

Amendment
of section 16
of Act 37 of
1954.

2. In the Prevention of Food Adulteration Act, 1954, in section 16,—

(i) in sub-section (1), for the words "six months but which may extend to three years, and with fine which shall not be less than one thousand rupees" the words "one year and six months but which may extend to term of life, and with fine which shall not be less than ten thousand rupees" shall be substituted.

(ii) in the first proviso to sub-section (1), for the words "three months but which may extend to two years, and with fine which shall not be less than five hundred rupees" the words "one year and which may extend to three years, and with fine which shall not be less than one thousand five hundred rupees" shall be substituted.

(iii) in the second proviso to sub-section (I), for the words "three months and with fine which may extend to five hundred rupees" the words "one year and with fine which may extend to two thousand five hundred rupees" shall be substituted.

(iv) in sub-section (IA), for the words "two thousand rupees" the words "twenty thousand rupees" shall be substituted.

(v) in the proviso to sub-section (IA), for the words "five thousand rupees" the words "fifty thousand rupees and the entire income generated from the corresponding bad business or bad trade shall be confiscated" shall be substituted.

(vi) in sub-section (IAA) for the words, "one thousand rupees" the words "five thousand rupees" shall be substituted.

(vii) in sub-section (IB) for the words, "five thousand rupees" the words "fifty thousand rupees and the entire income generated from the corresponding bad business or bad trade shall be confiscated" shall be substituted.

STATEMENT OF OBJECTS AND REASONS

Today we are breathing polluted air, drinking contaminated water and eating adulterated food. As a result, various kinds of deadly diseases are spreading fast in old and young. Food adulteration is a major problem in India as the food articles are being mixed with deadly and poisonous things solely with the aim of making money. The main reason, of food adulteration is the absence of stricter punishment, pecuniary and otherwise, in the Prevention of Food Adulteration Act, 1954.

This amendment bill seeks to amend Section 16 of the said Act with a view to making penal provisions for food adulteration more stringent which would curb to a great extent, the practice of food adulteration, if not completely stop it.

Hence this Bill.

SAROJ DUBEY

XI

BILL NO. XXV OF 2003

A Bill to provide for the establishment of a National Commission for the homeless children so as to protect the rights of such homeless children in the country and for matters connected therewith.

BE it enacted by Parliament in the Fifty-fourth Year of the Republic of India as follows:—

1. (1) This Act may be called the National Commission for Homeless Children Act, 2003.

Short title,
extent and
commence-
ment.

(2) It shall extend to the whole of India.

(3) It shall come into force immediately.

2. In this Act, unless the context otherwise requires,—

Definitions.

(a) "appropriate Government" means in the case of a State the Government of that State and in other cases the Central Government;

(b) "Child" means any person below the age of eighteen years;

(c) "destitute child" means a child having no known parents or guardian responsible for up-bringing, education, training and development of the child;

(d) "homeless Children" means and includes the deprived children with unknown parentage, and neglected children including children of sex workers.

(e) "prescribed" means prescribed by rules made under this Act; and

(f) "Regulatory Authority" means a regulatory authority appointed under section 6.

Setting up of
National
Commission.

3. (1) The Central Government shall, by notification in the Official Gazette, set up a commission called the National Commission for Homeless Children.

(2) The National Commission shall consist of the following namely:—

(a) the Union Minister of Social Justice and Empowerment who shall be the *ex-officio* Chairman of the National Commission;

(b) the Secretary to the Union Ministry of Social Justice and Empowerment who shall be the *ex-officio* Secretary of the National Commission;

(c) the Union Ministers of Health and Family Welfare, Labour, Finance and the Deputy Chairman of the Planning Commission and the Chairman of the Central Social Welfare Board shall be the *ex-officio* members of the National Commission;

(d) three Members of Parliament, two from the Lok Sabha and one from the Rajya Sabha who shall be elected by the respective House of Parliament as members of the National Commission for a period of three years; and

(e) five Members of the National Commission to be appointed by the Central Government in the manner as may be prescribed.

Functions of
the National
Commission.

4. The National Commission shall perform the following functions:—

(a) to evolve a National Policy under this Act which shall be notified in the Official Gazette for securing to the Children the rights of the child and to prevent violation of such rights, by recourse to the provisions of Juvenile Justice (Care and Protection of Children) Act, 2000 and any other means as may be prescribed;

(b) to lay down schemes and programmes for achieving the objectives set out in clause (a);

(c) to promote schemes and programmes for emancipation of children from the clutches of organize heggars' gangs and those found engaged in bonded Labour and working in hazardous industries, mines engaged in hazardous jobs including sex-workers and to rehabilitate them through education training and providing for their due maintenance, care and security against exploitation and health hazardous, through proper institutions like child-care homes, including those set up under Juvenile Justice Act, 2000 and Non-Governmental philanthropic organizations.

(d) to create and generate funds for financing the schemes made under this Act, at the national level;

(e) to promote schemes to ensure that children apprehended for loitering for the purpose of committing crimes or for acts of juvenile delinquency are not lodged in jails nor detained in lock-ups, for want of sureties or as under trails or otherwise and for this purpose make a review from time to time of the provisions of the Indian Penal Code and the Code of Criminal Procedure, 1973 and relevant rules in operation thereof, to ensure expeditious trial of juvenile under trials and to recommend amendments and modifications thereto;

(f) to lay down norms, rules and regulations for recognition and registration of the voluntary organization and trusts engaged in welfare and care of the homeless children.

56 to 2000.

5. The appropriate Government shall ensure that:—

Rights of
Homeless
children.

(a) every homeless child shall have the right to proper means of living, due care, protection and security of life against physical and mental violence, as may be prescribed.

(b) every homeless child shall have the right to basic education and training and means for free and fair development of personality including play and entertainment, as may be prescribed.

(c) every homeless child shall have the right to enjoyment of highest attainable standard of health, nutrition, medicare, treatment for illness and rehabilitation as may be prescribed.

6. The appropriate Government shall constitute a 'Homeless Child Development Fund' for implementation of the schemes promoted under this Act in such manner as may be prescribed and provide adequate funds after due appropriation made by law by Parliament in this regard.

Homeless
Children
Development
Fund.

7. The Central Government may, by notification in the Official Gazette, make rules for carrying out the purposes of this Act.

Power to
make rules.

STATEMENT OF OBJECTS AND REASONS

Children are the future of any Country. Children shall be protected against neglect, cruelty and exploitation. Homeless children are most vulnerable to abuses, exploitation and depravity. Their family neither protects them nor state takes adequate responsibility to provide proper facilities for the proper development of their personality. After maturing in such harsh conditions, they lack respect for the society and they get indulged into reckless behaviours that are detrimental for the society and consequently they become burden on state.

Despite policies, programmes and laws like the Juvenile Justice (Care and Protection of Children) Act, 2000, and the Child Labour (Prohibition and Regulation) Act, 1986, the child remains the most exploited section of the society. To eradicate such condition Government should take proper responsibility for all round development of homeless children. Steps taken in this direction will not only uplift the conditions of those homeless children but it will also create a better society leading to a civilized and strong nation.

This Bill proposes ways and means to provide necessary infrastructure to secure the rights of homeless children and to protect them against exploitation and abuse.

Hence this Bill.

SAROJ DUBEY

FINANCIAL MEMORANDUM

Clause 3 of the Bill provides for the setting up of a National Commission For The Homeless Children by the Central Government. Clause 4 provides for creation of funds for financing the schemes made under this Bill. Clause 5 for certain basic rights of homeless children like education, training, health care, rehabilitation, etc. Clause 6 provides for constitution of a Homeless Children Development Fund. The Bill, therefore, if enacted will involve expenditure from Consolidated Fund of India. It is likely to involve a recurring expenditure of about rupees fifty crore per annum.

A non recurring expenditure of about rupees hundred crore is also likely to be involved.

MEMORANUM REGARDING DELEGATED LEGISLATION

Clause 7 of the Bill empowers the Central Government to make rules for carrying out the purposes of this Bill. The rules will relate to matters of details only.

The delegation of Legislative Power is of normal character.

XII

BILL No. XXVIII OF 2003

A Bill to regulate and control computer and management training centres and for matters connected therewith or incidental thereto.

BE it enacted by Parliament in the Fifty-fourth Year of the Republic of India as follows:—

1. (1) This Act may be called the Computer and Management Training Centres (Regulation and Control) Act, 2003.

(2) It extends to the whole of India.

(3) It shall come into force on such date, as the Central Government may, by notification in the Official Gazette, appoint.

2. In this Act unless the context otherwise requires:—

(a) "appropriate Government" means in the case of a State the Government of that State and in other cases the Central Government;

Short title,
extent and
commence-
ment.

Definitions.

(b) "computer training centres" includes a center in which courses including advance courses in computer are imparted or training is provided to persons already knowing computer operations or where training is given to those who are aspiring for jobs in the information technology sector;

(c) "management training centre" includes a center in which management courses of BBA, MBA and other advance management courses are offered to those who are aspiring for jobs in various industries requiring management qualifications; and

(d) 'prescribed' means prescribed by rules made under this act.

Compulsory registration of computer and management centers.

3. On and from the date of commencement of this Act, no person shall run any computer or management center without prior registration with the appropriate Government in such manner as may be prescribed:

Provided that the computer or management training centers set up and registered prior to the commencement of this Act shall have to apply for registration *de novo* under section 4 of this Act.

Application for registration of computer of management center.

4. The in-charge or the head of Computer Management Center set up prior to the commencement of this Act, shall apply to the appropriate Government within one month from the date of commencement of this Act, for obtaining registration in such form and subject to such conditions as may be prescribed.

Scrutiny of application.

5. The appropriate Government shall, on receipt of an application under sections 3 or 4 cause to be scrutinized the genuineness of application and the *bonafides* of the applicant and for this purpose may carry out such investigation as it may deem fit.

Issuance of registration certificate.

6. On being satisfied that the particulars furnished by the computer and management centers are in order, the appropriate Government may issue a registration certificate in favour of the applicant for such period as it may deem fit.

Prescription of syllabus and fees.

7. The appropriate Government shall prescribe the syllabus and the fee structure for each course conducted by a computer and management training center.

Penalty.

8. Whoever contravenes the provision of section 3 of this Act, shall be punished with imprisonment for a term which may extend to five years or with fine of upto rupees ten lakh or with both.

Power to make rules.

9. The Central Government may, by notification in the Official Gazette, make rules for carrying out the provisions of this Act.

STATEMENT OF OBJECTS AND REASONS

A large number of computer training and Business Management centers are functioning in the country without proper registration. Many of these centers are not imparting quality education. These centers charge exorbitant fees from students. They do not have proper facilities or course content to impart quality training. Recently, there were some instances in which the institutes were closed down without completing courses after enrolment of students and after collection of huge amount of money from them. The students have been left in the lurch. In order to protect the interest of student community and ensure a minimum standard of training there is a need to regulate the functioning of the computer and management training centers in the country.

The Bill seeks to provide for the due registration of all computer and management training centers and also provides for punishment to those who are running computer and management training centers without registration.

Hence this Bill.

MANOJ BHATTACHARYA

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 9 of the Bill empowers the Central Government to make rules for carrying out the provisions of the Bill. As the rules will relate to matters of detail only, the delegation of legislative power is of a normal character.

XIII

BILL NO. XXXII OF 2003

A Bill further to amend the Cinematograph Act, 1952.

BE it enacted by Parliament in the Fifty-fourth Year of the Republic of India as follows:—

Short title
and com-
mencement.

1. (1) This Act may be called the Cinematograph (Amendment) Act, 2003.
- (2) It shall come into force at once.

Amendment
of Section 2.

2. In section 2 of the Cinematograph Act, 1952 (hereinafter referred to as the principal Act), for the existing clause (dd), the following clause shall be substituted, namely:—

“(dd) ‘film’ means a cinematograph film but does not include a programme telecast on television.”

37 of 1952.

3. After section 3 of the principal Act, the following sections shall be inserted, namely:—

Insertion of
new sections
3A, 3B and
3C.

“3A. (1) For the purpose of sanctioning programmes telecast on television for public exhibition, the Central Government shall establish a National Board of Television Programmes Certification with headquarter at New Delhi.

Establishment
of National
Board of
Television
Programmes
Certification.

(2) The Board shall consist of a Chairman and not more than four other members who shall be appointed by the Central Government.

3B. (1) The National Board of Television Programmes Certification may if it deems fit, set up regional offices in every State Capital.

Regional offices
of the Board.

(2) The regional offices of the Board set up under section (1) shall consist of a Director and two other members who shall be appointed by the Central Government in consultation with National Board.

3C. All provisions relating to the films in this Act, shall apply *mutatis mutandis* to programmes telecast on television.”

Provisions of
Act to apply
on all television
programmes.

4. In section 5B of the principal Act, sub-section (2) shall be renumbered as sub-section (3) and before sub-section (3) thereof as so renumbered, the following sub-section shall be inserted, namely:—

Amendment
of section 5B.

“(2) A film shall not be certified for public exhibition if it depicts scenes involving—

(i) sex and romance and illicit love affairs;

(ii) inciting and commission of violence of any kind;

(iii) consumption of liquor; and

(iv) incitement to communal feelings and offending the religious susceptibilities of any group of people.”

STATEMENT OF OBJECTS AND REASONS

There has been a steady increase in the number of programmes telecast on television channels over the years. The number of channels has also increased considerably during the recent days. But, there is practically no scrutiny by any Government agency on the nature, content and theme of the programmes. As such, many programmes which fall short of the standard quality and do not follow the norms are exhibited on television screen. This creates an unhealthy impression on the mind and temperament of our youth and growing children. To provide adequate motivation to the sponsors of the various Television programme, it is proposed to put in place a body, which would scrutinize the Television programmes and lay down effective guidelines to produce healthy and clean programmes which would provide entertainment and information suited to our culture and tradition. It is accordingly proposed that a separate Board should be set up to scrutinize programmes telecast on television.

Besides films depicting scenes of sex, romance, kissing, incitement of violence and consuming liquor not only cause embarrassment to watch in the company of children but also affect adversely the impressionable minds of children and youth. They are tempted to try in real life what they see in films. This is one of the reasons for increase in the incidents of violence, kidnapping, rape, etc. throughout the country during the last few years. Also films which seek to appeal to communal or religious sentiments of the people have the effect of creating schism among the various sections of our people and strike at the very root of national integration. It is, therefore, essential that such films are not given certificate for public exhibition.

Hence this Bill.

MANOJ BHATTACHARYA

FINANCIAL MEMORANDUM

Clause 3A of the Bill seeks to set up a National Board of Television Programmes. Section 3B also contemplates of the setting up of regional offices. The proposal to establish a Board and regional offices is likely to involve expenditure from the Consolidated Fund of India. The Bill, if enacted, would involve expenditure from Consolidated Fund of India. A recurring expenditure of about rupees twenty crore is likely to be incurred. A non-recurring expenditure of about rupees one hundred crore may be involved.

XIV

BILL No. XXX OF 2003

A Bill to provide for the protection of the business interests of the fruit growers of the hilly areas particularly of Himachal Pradesh, Jammu and Kashmir, Uttaranchal and North Eastern States by giving them incentives by the Central and State Governments and providing them the much needed packaging and marketing facilities and to provide them the requisite fertilizers and insecticides at subsidised rates and for matters connected, therewith.

BE it enacted by Parliament in the Fifty-fourth Year of the Republic of India as follows:—

1. (1) This Act may be called the Fruit Growers of Hilly Areas (Incentives, Packaging and Marketing Facilities) Act, 2003.

Short title,
extent and
commence-
ment.

(2) It extends to the whole of India.

(3) It shall come into force with immediate effect.

2. In this Act, unless the context otherwise requires:—

Definitions.

(a) “appropriate Government” means in the case of a State the Government of that State and in other cases the Central Government;

(b) “Fund” means Orchards Insurance; Fund established under section 5;

(c) "natural calamity" includes drought, landslides, earthquake, hailstorm, storm, snowfall and excessive rainfall capable of damaging the fruit crop;

(d) "prescribed" means prescribed by rules made under this Act;

(e) "scheme" means Insurance scheme for Orchards framed under section 3.

Central Government to frame Orchards Insurance Scheme.

3. The Central Government shall, as soon as may be, but within six months from the date of commencement of this Act, frame a scheme to be known as Orchards Insurance Scheme for comprehensive and compulsory insurance of Orchards and fruit crops against natural calamities.

Scheme to be administered by Central Government.

4. The scheme shall be administered by the Central Government with the cooperation of the State Government as may be prescribed.

The Orchards Insurance Fund for hilly areas.

5. The Central Government shall, in consultation with the concerned State Governments and by notification in the official Gazette, establish an Orchards Insurance Fund for hilly areas comprising:—

(a) grants made to the fund by Central and State Governments;

(b) premium amounts received from fruit growers;

(c) money received as donations to the fund; and

(d) income from investment of the amounts of the fund.

Central Government to compensate the losses of fruit growers.

6. (1) The Central Government shall compensate the losses suffered by every fruit grower of hilly areas due to any natural calamity in such manner as may be prescribed.

(2) The amounts under sub-section (1) shall be paid from the fund.

Other facilities to the fruit growers of hilly areas.

7. It shall be the responsibility of the appropriate Government to provide the fruit growers of hilly areas within their Jurisdiction facilities like:—

(a) packaging material such as boxes, cartons and other related materials at reasonable rates;

(b) marketing facilities so as to enable them to fetch remunerative prices for their fruit crops;

(c) cheap transport facilities to enable them to sell their fruit crops outside the state at remunerative prices;

(d) subsidised insecticides, pesticides and necessary manure and fertilizers;

(e) interest free loan from the banks for setting up or expanding orchards; and

(f) such other incentives as may be prescribed.

Act to supplement other laws.

8. The provisions of this Act shall be in addition to and not in derogation of any other law for the time being in force.

Power to make rules.

9. The Central Government may, by notification in the official Gazette make rules for carrying out the purposes of this Act.

STATEMENT OF OBJECTS AND REASONS

Farmers of Hilly areas situated in various parts of the country particularly in Himachal Pradesh, Jammu and Kashmir, Uttaranchal, North-Eastern parts of the country have started growing fruits in a big way because the cereal crops in such areas depend on rains and very often do not give the desired yield. As a result more and more farmers are opting for fruit growing and own orchards for this purpose. During the seventies and eighties it proved to be booming source of income for the hardworking and poor farmers of the hilly areas but now steadily the scenario is changing very rapidly. The fruit growers are facing innumerable hardships. First of all their fruit crops are damaged by natural calamities such as hailstorm, rain, storm, snowfall and various diseases. Then packaging of fruits has become a major problem for them because earlier they used to package the fruits in wooden boxes but due to total ban on felling of trees and in order to save jungles, the wood is scarce and the boxes are not available. If at all the boxes are available they are very costly. The alternative was suggested as cardboard cartons and plastic packaging materials but apart from being costly they damage the fruits very soon. Despite the disadvantage even these packaging materials are not available freely. Then marketing and transportation of fruit crops are other hurdles in the way of fruit growers of hilly areas who are also exploited by middlemen and wholesalers. For instance the best quality apple which fetches rupees thirty to thirty five a kilogram in Delhi gives rupees five to seven to the apple grower. The rest is divided between the middlemen, wholesalers and retailers.

To rid the fruit growers of hilly areas of these problems it has been suggested in this Bill to insure the orchards against natural calamities and losses be compensated therefrom. The Central and State Governments should provide packaging material at reasonable rates alongwith marketing and transport facilities so as to enable them to get remunerative price for their produce. If these steps are taken, it is felt, that it will give immense benefits to the fruit growers of hilly areas.

Hence this Bill.

KRIPAL PARMAR

FINANCIAL MEMORANDUM

Clause 5 of the Bill provides for the establishment of the Orchards Insurance Fund for Hilly areas. Clause 6 provides that the Central Government will compensate the losses of fruit growers. Clause 7 provides for various other facilities to the fruit growers of hilly areas. The Bill if enacted and brought into force will involve expenditure from the Consolidated Fund of India. It is estimated that it may involve a recurring expenditure of about one hundred crore rupees per annum.

It is also likely to involve a non-recurring expenditure of about rupees one crore.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 9 of the Bill gives power to the Central Government to make rules for carrying out the purposes of this Bill. The rules will relate to matters of details only.

The delegation of legislative power is of normal character.

XV

BILL No. XXVII OF 2003

A Bill to provide for the promotion of tourism in hilly areas of the country through establishment of National Hilly Areas Tourism Promotion Council entrusted with providing necessary infrastructure such as roads, rail links, helipads, small and medium airports, hotels, dharamshalas and guest houses, tourist information centers, snow/ice games complexes, golf courses, trekking centres, etc, in the hilly areas particularly of Himachal Pradesh, Jammu and Kashmir, Utaranchal and North-Eastern parts of the country in order to boost the inflow of foreign and domestic tourists, in such hilly areas and for matters connected therewith and incidental thereto.

BE it enacted by Parliament in the Fifty-fourth Year of the Republic of India as follows:—

Short title,
extent and
commence-
ment.

1. (1) This Act may be called the Promotion of Tourism in Hilly Areas Act, 2003.
- (2) It extends to the whole of India.
- (3) It shall come into force with immediate effect.

Definitions.

2. In this Act, unless the context otherwise requires:—

(a) "appropriate Government" means in the case of a State, the Government of that State and in all other cases the Central Government;

(b) "Council" means National Hilly Areas Tourism Promotion Council established under section 3;

(c) "hilly areas" include areas having hills, hillocks and mountain ranges therein;

(d) "prescribed" means prescribed by rules under this Act.

3. (1) For the overall development of tourism in hilly areas the Central Government shall by notification in the Official Gazette, established a Council to be known as National Hilly Areas Tourism Promotion Council with its headquarters at New Delhi.

Establishment
of National
Hilly Areas
Tourism
Promotion
Council.

(2) The Council may open such number of offices in various hilly areas as may be required.

4. (1) The Council shall be headed by a Chairperson and five other members to be appointed by the Central Government in such manner as may be prescribed.

Constitution
of Council.

(2) The terms and conditions of service of the Chairman and the members may be such as may be prescribed.

(3) The Council shall have a Secretariat with such set up, as may be prescribed.

5. (1) The Council in order to develop and boost the tourism sector in the hilly areas shall perform following functions namely:—

Functions of
Council.

(a) formulate plan and policies to promote tourism in the hilly areas of the country;

(b) give wide publicity to its policy and projects through electronic and print media;

(c) provide pucca and metallic road network connecting the hilly areas which are to be developed as tourist centres by the appropriate Government;

(d) provide rail link to and from the hilly areas connecting all important destinations and cities in the country;

(e) provide helipads for operating helicopter services at important hill stations by the Government and private agencies;

(f) provide small and medium airports at all important hill stations for operating air services by public and private sector airlines of the country;

(g) provide tourist information centres at conspicuous domestic places in the country and abroad for giving wide publicity to the various tourist destinations at hilly areas in the country;

(h) provide guest houses, dharamshalas, hotels, motels and such other places for board and lodging of the tourists at reasonable and affordable prices;

(i) provide snow/ice games complexes to popularize snow/ice games such as skiing, ice skating, ice hockey, etc.;

(j) provide golf courses, race courses and other stadia;

(k) provide cheap and affordable means of transport;

(l) provide trekking centres for popularizing mountaineering and arrangements for white water rafting; and

(m) such other functions as may be prescribed.

(2) The appropriate Government may invite the private sector participation in such term as may be prescribed for the purpose of sub-section (1) and extend such facilities to the hilly areas.

6. (1) Notwithstanding anything contained in any other law for the time being in force the Central Government shall allocate adequate funds, after due appropriation made by Parliament by law from year to year basis, to the Council exclusively for the development of tourism infrastructure in the hilly areas of the country.

Central
Government.
to make
adequate
allocations for
development
of tourism in
hilly areas.

(2) The Central Government while making plan allocations under sub-section (1) shall review the progress made by the tourism sector in the hilly areas of the States along with the performance of the appropriate Government in this regard.

overriding
effect.

7. The provisions of this Act and of any rules made there under shall have effect notwithstanding anything inconsistent therewith contained in any other law for the time being in force, but save as aforesaid, the provisions of this Act shall be in addition to and not in derogation of any other law for the time being applicable to tourism and hilly areas.

Power to
make rules.

8. The Central Government may, by notification in the Official Gazette, make rules for carrying out the purpose of this Act.

STATEMENT OF OBJECTS AND REASONS

In our country we have a number of hilly areas popularly known as hill stations in various parts of the country particularly in Himachal Pradesh, Jammu and Kashmir, Uttar Pradesh, North-eastern parts of the country. Shimla, Kullu, Manali, Chamba, Lahaul, Spiti, Kinnaur and almost the entire State of Himachal Pradesh, the entire Kashmir Valley, Uttaranchal, Arunchal Pradesh, Sikkim, Meghalaya, Mizoram, Assam and other north eastern States with the Himalayan range are places of tourist importance. Similarly other States also have smaller hill stations such as Ooty in Tamil Nadu, Darjeeling in West Bengal, Mahabaleshwar in Maharashtra, Mt. Abu in Rajasthan, etc. Though these hilly areas have beautiful hills full of flora and fauna, picturesque mountaineous ranges, lush green forests, valleys full of colourful flowers, national parks and sanctuaries which invariably attract the nature lovers and tourists but unfortunately these areas lack good infrastructure for the development of tourism which can earn substantial amount of precious foreign exchange and can boost the economy of otherwise poor States and regions. The hilly areas are not connected with a good road network and rail links. There are no full-fledged helipads and airports for operating helicopter and air services in these areas. Similarly there is shortage of good hotel chains, guest houses, dharamshalas and cheap residential premises apart from the shortage of adequate number of tourist information centres not only in these hilly areas but also throughout the country.

These hill stations can attract tourists if the basic infrastructure is developed within a time frame. The attraction of these areas can further be augmented if snow or ice games complexes, golf courses, trekking centres, tented accommodation, adventurous spots like rafting, etc. are also provided at these places. Unfortunately despite best efforts nothing much is being done to promote tourism in the hilly areas which have been left to fend for themselves. They are not being developed properly. Now the time is ripe for the Central and State Governments to act and develop the hilly areas as ideal tourism centres for attracting the domestic and foreign tourists in large numbers so that the economy of the hilly areas gets the deserving boost.

Hence this Bill.

KRIPAL PARMAR

FINANCIAL MEMORANDUM

Clause 5 of the Bill imposes a duty on the National and State Councils to make available various infrastructure facilities in the hilly areas. Clause 6 of the Bill provides that the Central Government shall provide adequate funds for the purposes of the Bill. The Bill, if enacted, and brought into force will involve expenditure from the Consolidated Fund of India. It is estimated that a sum of rupees one hundred crore may involve as recurring expenditure per annum.

A sum of rupees two hundred crore may also involve as non-recurring expenditure for developing the requisite infrastructure.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 8 of the Bill empowers the Central Government to make rules for carrying out the purposes of this Bill. The rules will relate to matters of details only.

The delegation of legislative power is of normal character.

YOGENDRA NARAIN,
Secretary-General.